IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Samuel J. Shuster et al.	Art Unit	: 1635
Serial No.	: 10/500,499	Examiner	: Sean McGarry
Filed	: December 3, 2004	Conf. No.	: 4520
Title	: METHODS AND MATERIALS FOR MODULATING ENAC-BETA		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Restriction Requirement mailed January 8, 2008, Applicants elect the invention of Group I, claims 1-13 and 15. Applicants further elect the accessible region defined by nucleotides 463 through 490 of SEQ ID NO:1 from claim 1 and the accessible region defined by nucleotides 894 through 911 of SEQ ID NO:2 from claim 4. Claims 1-13 and 15 read on Applicants' election.

Applicants respectfully traverse the lack of unity rejection.

First, the U.S. Patent & Trademark Office, acting as the International Search Authority, did not deem the claimed invention to lack unity during the International Phase of the PCT application from which the instant National Phase application claims benefit. According to MPEP §1893.03(d), the same unity of invention practice is applicable in National Phase applications submitted under 35 U.S.C. §371 as that applied to international applications.

In addition, Applicants respectfully submit that further restriction of Group I is improper. The antisense oligonucleotides encompassed by the claims and delineated by their ability to hybridize to one of the indicated accessible regions comply with the guidelines set forth in the PCT Administrative Instructions at Annex B, Section (f). Contrary to the Examiner's assertion that each antisense sequence behaves in a different way, the claimed oligonucleotides meet the criteria of (A) because all alternatives (i.e., each antisense molecule that hybridizes to an accessible region) not only have a common activity (i.e., inhibiting the production of ENaC-beta), they also have the common property of binding to regions of a common sequence (rat or

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human ENaC-beta; SEQ ID NOs:1 and 2, respectively). Also contrary to the Examiner's assertion that the claimed antisense oligonucleotides do not comply with the requirements of unity of invention, the instant oligonucleotides do meet the criteria of (B)(2) because all alternatives belong to the same art recognized class of compounds (i.e., antisense oligonucleotides), and each member could be substituted one for the other with the expectation that the same intended result would be achieved (i.e., inhibiting the production of ENaC-beta). Thus, according to the guidelines set forth in Section (f)(i)(a) of Annex B of the PCT Administrative Instructions, the special technical feature as defined by PCT Rule 13.2 has been met.

Applicants submit that the further restriction of the claims of Group I is improper, and respectfully request that the further restriction of Group I be withdrawn and the ENaC-beta nucleic acid sequence be examined with respect to all of the recited accessible regions.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

/March 24, 2008/

Date:_____

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